Patent
Serial No. 10/500,683
Amendment in Reply to Final Office Action of June 8, 2012
and Advisory Action of September 12, 2012

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated June 8, 2012 and the Advisory Action dated September 12, 2012. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the Application. Claims 1, 5, 8, 12 and 20 are independent claims.

In the Final Office Action, claims 1-20 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,868,292 to Ficco et al. ("Ficco") in view of U.S. Patent No. 6,218,931 to Asghar et al. ("Asghar") and in view of U.S. Patent No. 6,198,479 to Humpleman et al. ("Humpleman"). This rejection is respectfully traversed. It is respectfully submitted that the rejected claims are allowable for at least the following reasons.

The claims are amended to clarify their recitations. In particular, the claims are directed to "controlling user experience in an environment" and recite receiving input documents, "generating ... the output documents comprising at least one instruction", and "one or more participating application devices performing the at least one instruction".

Ficco describes controlling home electronic appliances, lighting systems, heating, ventilating and air conditioning (HVAC) equipment, home security systems and home entertainment systems are controlled from a single, centralized device <u>using scripts stored on this device</u> (see, Ficco, the Abstract). At col. 12, lines 1-5, Ficco discusses retrieving A/V data from HDD 320; at col. 16, lines 14-26 a wideband communications signal; and at

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col. 3, lines 60-67 selected scripts from storage. Thus, Fico does not teach, disclose, or suggest collecting information reflecting status from participating devices and generating instructions to change these devices' performance "based at least in part on the retrieved identification of the one or more users", as recited in claim 1, for example, where the users are present in the environment.

The Advisory Action asserts that Ficco, at col. 6, lines 20-36 teaches "if a trigger is activated due to an event like an alarm (i.e. due to a malfunction of a device) the STB may run the program content routine in the script to turn off the device and inform the user (such as by sending an e-mail message to his/her PALM PILOT, beep a pager etc)." The Advisory Action further states that "[i]t is also envisioned that STB could be configured to dial 911 if the alarm condition is determined to be an emergency condition. As a result, Ficco clearly teaches sending, performing at least one instruction or retrieving a response output to a user due to a trigger event." This portion of Ficco describes a reaction by a controlling processor to abnormal events in accordance with a predefined script. Here or otherwise Ficco does not teach, disclose, or suggest that "the output documents comprising at least one instruction based at least in part on the retrieved identification of the one or more users and at least in part on the received input documents", as recited in the claims.

The Final Office Action admits that Ficco does not teach, disclose, or suggest "input documents reflecting the status of the respective application devices". Asghar is cited to provide that which is admitted missing from Ficco, however, it is respectfully submitted that reliance on Asghar is misplaced.

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With regard to Asghar, the Advisory Action re-asserts that col. 3, lines 21-27 teaches on "a control unit configured to receive status information from the appliances such as current power status of a lamp. Control unit may also be used to turn on or off coffee maker." However, in the claims the server is not "used to turn on or off" any of the plurality of application devices, instead the claims recite "sending at least one of the output documents to each of the one or more application devices" and "upon receipt of the at least one output document, at least one of the <u>one or more participating application devices performing the at least one instruction</u>", as recited in claim 1, for example. Asghar fails to teach, disclose, or suggest this claims recitation.

The Final Office Action further admits that Ficco and Asghar do not teach, disclose, or suggest "controlling appliances" as recited in the claims. Humpleman is cited to provide that which is admitted missing from Ficco and Asghar, however, it is respectfully submitted that reliance on Humpleman is also misplaced. The Advisory Action references col. 20 lines 1-8 of Humpleman as teaching on "each home device on the home network has a list of data specifications associated with it. For example, OVCR that has been instructed to "outpt video", i.e. transmit a video signal, broadcasts the video signal on a particular isochronous stream." However, the referenced section and the rest of Humpleman fail to teach, disclose, or suggest "the output documents <u>comprising at least one instruction based at least in part on the retrieved identification of the one or more users and at least in part on the received input documents</u>", as recited in claim 1 for example.

Further, as discussed, col. 16, lines 32-45 of Humpleman discusses agents for

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controlling devices; and col. 10, lines 1-16, files containing images of the devices. The Advisory Action references "a number of software agents representing devices which are capable of controlling lights" or "the user would select both a control device, which is not a source or a server of information, and one or more light devices to be controlled". However in sharp contrast with Humpleman, the devices of the presently recited plurality of application devices are not software agents and there is no involvement from the user in selection of the devices. Thus, it is respectfully submitted that these disclosures do not teach, disclose or suggest the claim recitations. It is respectfully submitted that the device capabilities file (see col. 3, lines 1-4 of Humpleman) does not teach, disclose or suggest "the output documents comprising at least one instruction based at least in part on the retrieved identification of the one or more users and at least in part on the received input documents", as recited in claim 1, for example.

In the claims, the devices are controlled when "upon receipt of the at least one output document, at least one of the one or more participating application devices performing the at least one instruction", where the at least one instruction is "based at least in part on the retrieved identification of the one or more users and at least in part on the received input documents", as recited in claim 1, for example. This is not taught, disclosed, or suggested by any combination of the presented references.

It is respectfully submitted that the claims are not anticipated or made obvious by the teachings of the presented prior art references. For example, Ficco in view of Asghar and Humpleman does not teach, disclose or suggest, amongst other patentable elements,

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(illustrative emphasis added)

> A method of <u>controlling a user experience in an environment</u> including a plurality of network connected application devices by a server connected to the network, the method comprising acts of:
>
> receiving from the plurality of application devices <u>input documents reflecting the status of</u> the respective plurality of application devices;
>
> retrieving identification of one or more users present in the environment;
>
> generating output documents <u>for one or more of the plurality</u> of application devices, <u>the output documents comprising at least one instruction based at least in part on the retrieved identification of the one or more users</u> and at least in part on the received input documents;
>
> sending at least one of the output documents <u>to each of the one or more application devices</u> of the plurality of application devices participating in the user experience; and
>
> upon receipt of the at least one output document, <u>at least one of the one or more participating application devices performing</u> the at least one instruction.

as recited in claim 1, and as similarly recited in claims 5, 8, 12 and 20.

Based on the foregoing, it is respectfully submitted that the independent claims are patentable and notice to this effect is earnestly solicited. The dependent claims respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response is denied. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the right to submit further arguments in support of the above stated

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position should that become necessary is expressly reserved. No arguments are waived and none of the statements contained in the Office Action are conceded.

A diligent and sincere effort to place this application in condition for immediate allowance is made herein and notice to this effect is earnestly solicited.

Respectfully submitted,

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